

REMARKS

This amendment is responsive to the Office Action of October 23, 2002.

At the outset, the Applicants wish to thank the Examiner for the courtesy and helpfulness shown in the interview of January 7, 2003.

In the Office Action, claim 3 of the present application was rejected under 35 USC 112, second paragraph as being indefinite. In response, claim 3 has been amended to recite the variable alignment zipper in accordance with claim 1, wherein said locking portion of the first profile includes three ribs. As recited, amended claim 3 has proper antecedent basis and the rejection under 35 USC 112 is obviated.

In the Office Action, claims 1-4 of the present application were rejected under 35 U.S.C. §102(e) as being anticipated by the Tomic reference (U.S. Patent No. 6, 217,215).

Claim 1 has been amended to recite "*one and only one* of said ribs having a central tip and a pair of barbs extending laterally at each side of the tip and said rib with a central tip of said second profile bordered by two of said ribs shaped with a distal end with *one and only one* barb extending laterally from the distal end with the barbs providing a second interlocking contact area" (italicization added).


As demonstrated in the interview, the claimed structure of one and only one of said ribs having a central tip, bordered by two ribs with one and only one barb, results in a zipper which is smoother and easier to operate than the prior art zippers such as those disclosed in the prior art Tomic reference. This smoother and easier operation result from avoiding the deficiency of the prior art design by always allowing at least one wall of each channel to flex. Even when an outer wall of the female profile is between two stems, it can still flex because it does not have a two pronged head which would push against the outboard male stem.

It is therefore respectfully submitted that the claims are patentable over the cited prior art.

Moreover, the additional prior art cited by the Examiner has been reviewed but is not considered any more pertinent than the references applied against the claims by the Examiner and distinguished herein.

For all of the reasons above, it is respectfully submitted that all of the presently pending claims are in immediate condition for allowance. The Examiner is respectfully requested to withdraw the rejections of the claims, to allow the claims, and to pass this application to early issue.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Please amend Claims 1, 3 and 4 as follows:

1. (Amended) A variable alignment zipper comprising:

a first interlockable profile having a longitudinally extending web portion and having a longitudinally extending locking portion, said locking portion of the first profile having a plurality of continuous shaped ribs extending therealong, said ribs having a central tip and barbs extending laterally at each side of the tip with the barbs providing a first interlocking contact area;

a second interlockable profile having a longitudinally extending web portion and having a longitudinally extending locking portion, said locking portion of the second profile having a plurality of continuous shaped ribs extending therealong with [at least] one and only one of said ribs having a central tip and a pair of barbs extending laterally at each side of the tip and [with at least] said rib with a central tip of said second profile bordered by two of said ribs shaped with a distal end with [a single] one and only one barb extending laterally from the distal end with the barbs providing a second interlocking contact area;

a first plurality of continuous grooves therebetween the ribs of said second profile, said first plurality of continuous grooves receptive in at least one interlocking relationship to the locking portion of said first profile.

3. (Amended) The variable alignment zipper in accordance with claim 1, wherein said locking portion of the first [fastener] interlockable profile includes three ribs.

4. (Amended) The variable alignment zipper in accordance with claim 1, wherein said [single barbs] one and only one barb of at least two of said ribs shaped with a distal end [extend] extends laterally to said at least one of said ribs having a central tip.